

eral Land Office, a monthly list under oath, containing a description of certificates issued in compliance with this act; and he shall also keep a record in a well bound book, shewing the quantity of land for which each certificate issued, the names of the parties obtaining the same and the names of the witnesses who made the proof; and said Commissioner shall deposit said record book in the General Land Office at the expiration of the time limited in this act for granting certificates.

Amendment 6th—Strike out 12th section and insert the following: That the Commissioner appointed by virtue of this act, before he enters upon the duties of his office shall give bond in the sum of twenty thousand dollars with security, to be approved by the District Judge of the Judicial District, which bond shall be drawn in favor of the Governor of the State and his successors in office, and shall be conditioned, that the Commissioner shall faithfully and impartially discharge the duties imposed on him by this act, and shall also take an affidavit faithfully and impartially to discharge the duties which this act imposes on him, to the best of his skill and ability, which affidavit shall be endorsed on the said bond, and with the same shall be deposited in the office of the Secretary of State.

The yeas and nays being called on the adoption of the first amendment proposed by the committee, stood thus:

Yeas: Messrs. Burleson, Grimes, Hart, Latimer, McRae, Moffet Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward and Wallace—15.

Nays: Messrs. Brashear, Gage and Walker—3. Amendment adopted.

On motion of Mr. Phillips, the report and bill were laid on the table until Monday, the 19th inst.

On motion of Mr. McRae, the Senate adjourned.

FRIDAY, 10 o'clock, A. M., November 16, 1849.

The Senate was called to order by the President. Senators present:—Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Hart, Latimer, McRae, Moffett, Pease, Phillips, Portis, Robertson, Van Derlip, Ward, and Walker; quorum present. The journal of the preceding day was read and adopted.

A message was received from the House of Representatives,

through their Chief Clerk, informing the Senate that the House had adopted a resolution to go into the election of a public printer, on Saturday, the 17th inst., at 11 o'clock, A. M.

Mr. Cooke presented the petition of John W. Little; which was read, and,

On motion of Mr. Cooke, referred to the committee on Private Land Claims.

The President announced to the Senate that he had received, through the post-office, a petition from G. W. Norton and G. W. & P. E. Norton; which was read, and,

On motion of Mr. Gage, referred to the committee on Claims and Accounts.

Mr. Cooke, chairman of the committee on Claims and Accounts, to whom was referred the petition and claim of R. W. Martin, reported unfavorably to the petition.

Mr. Phillips, chairman of the committee on the Judiciary, made several reports; which were read and placed among the orders of the day.

Mr. Moffett, chairman of the committee on Engrossed bills, reported the following bills correctly engrossed, viz:

A bill to provide for running and establishing correctly the line between Nacogdoches and Fannin land districts;

A bill authorizing the Governor to offer a reward for fugitives from justice; and,

A bill supplementary to an act defining the office and duties of constables, approved 12th May, 1846.

Mr. Walker offered the following resolution:

Resolved, That hereafter the Senate shall meet at the hour of 9 o'clock, A. M., until otherwise directed; adopted.

Mr. Van Derlip offered the following resolution:

Resolved, That the committee on the Judiciary be instructed to report a bill for revising, digesting and publishing the civil and criminal laws of the State, according to the requirements of the 16th section of the 7th article of the Constitution. Adopted.

Mr. Grimes introduced a bill to be entitled an act to fix the salaries and per diem pay of officers not otherwise provided for by law; read first time.

Mr. Wallace introduced a bill to regulate proceedings by *certiorari* and *supersedeas* in certain causes; read first time.

Mr. Moffett introduced a bill extending the time for taking out unconditional head-rights; read first time.

Mr. Portis, from the Judiciary committee, made the following report on the petition of James Taylor; which was read and placed among the orders of the day.

COMMITTEE ROOM, November 16, 1849.

Hon. JOHN A. GREER,
President of the Senate:

The Judiciary Committee to whom was referred the petition of James Taylor, have had the same under consideration, and have instructed me to report.

The facts set forth in the petition, and sustained by indubitable testimony, shew clearly that the petitioner, by the colonization laws of the Republic of Mexico, by the laws and constitution of the Republic of Texas, and by the constitution and laws of said State, is entitled to the relief which he seeks. He was a married man, emigrated to Texas with his family in 1831, remained ever since in the country, discharging the duties of a citizen, was a volunteer in the Army in 1836, has taken the oath required by the Land law of 1837, has made the requisite proof to entitle him to a 1st class head right certificate. There is nothing, in the opinion of the committee, either in the constitution, ordinances, or the preamble to the joint resolutions of annexation, which prevents the Legislature from granting the relief sought for. The claim appears in every aspect, equitable and meritorious. The committee have, therefore, instructed me to report the accompanying bill, and recommend its passage.

DAVID Y. PORTIS,

One of the Judiciary committee.

Mr. Moffett, from the committee on Engrossed bills, reported as correctly engrossed a joint resolution instructing our Representatives to urge upon the Congress of the United States the passage of a law for the removal of Indians.

Mr. Robertson introduced the following resolution:

Resolved, That the committee on the Judiciary be requested to examine into the propriety of the passage of a law to place the jury fund in the hands of the sheriff or district clerks, and keeping that fund separate from the county fund, securing said fund under proper bonds, and report by bill or otherwise; adopted.

ORDERS OF THE DAY.

The Senate concurred in the resolution of the House to go into the election for public printer, on Saturday, the 17th inst., at 11 o'clock, A. M.

The report of the committee on Public Lands, on a bill for the relief of Frederick Scranton, recommending its reference to the committee on the Judiciary; read and adopted.

The report of the committee on Printing and Contingent Expenses, contracting for the South-Western American; read and adopted.

A message was received from the House of Representatives, through their Chief Clerk, informing the Senate that the House had passed a bill to change permanently the name of Daniel Richardson Kaufman to Daniel Kaufman Richardson; also, a bill to amend the act to incorporate the town of San Augustine—both of which originated in the Senate; also, a bill to repeal a portion of an act to give to each corporate county of this State, its own county surveyor, map and records, approved March 20th, 1848, which originated in the House.

The report of the Directors of the Penitentiary was read and referred to the committee on the Penitentiary. (See Report.)

The report of the Attorney General &c., was read and referred to the committee on the Judiciary.

The report of the committee on Gen. Land Office was read and referred to the committee on Public Lands.

An Exhibit of the census of the State for 1848, was read, and on motion of Mr. Grimes, referred to the committee on Apportionment.

An Exhibit of the amount of fees collected by the Department of State, was read, and on motion of Mr. Robertson referred to committee on Finance.

Mr. Wallace offered the following resolution:

Resolved, That a joint committee of five, to be composed of two members of the Senate and three members of the House of Representatives, be appointed to examine the Penitentiary, and be instructed to report as early as practicable to the Legislature, during its present session, upon the quantities, kind, qualities, fitness, worth and cost of the materials used, or delivered and received for use therein or thereabout at the expense of the State—how far the Penitentiary can be prudently used by the State at this time as a prison for convicts—what amount of money, if any, will be requisite to complete the Penitentiary, house and wall severally, with the materials already purchased for the State, and delivered to, and received or yet to be received by the Commissioners or other agents of the State—if there be no such materials, how much it will cost the State to purchase and use such materials for said purposes—how much it will cost to cover the prison-house, or Penitentiary, with wood, slate, or metal; and, also, to report upon any and all other subjects, matters and incidents connected with the Penitentiary, which said committee may deem it expedient to refer to, as necessary information for

the Legislature; and that said committee be instructed to present with their report to the Legislature a small but fair average specimen of each kind of principal material used in the erection of the Penitentiary house, and wall around the same.

SECTION 2. *Be it further resolved*, That the sum of five hundred dollars, or so much thereof as may be necessary to defray the reasonable expenses of said committee, while engaged in the discharge of the duties imposed on them by this resolution, be and the same is hereby appropriated out of the fund provided by law to defray the contingent expenses of the two Houses of the Legislature of the State.

On motion of Mr. Taylor, laid on the table until to-morrow.

The report of Mr. Pease, chairman of the Select committee appointed, on the part of the Senate, to report joint rules for the government of the two Houses of the Legislature, was read and adopted.

Report of the committee on Finance, on the bill to establish the per diem pay of electors of President and Vice President of the United States; read, and,

On motion of Mr. Wallace, report and bill referred to the committee on the Judiciary.

The following communication from the Secretary of State was read, and on motion of Mr. Phillips referred with the accompanying documents to the committee on the Judiciary.

DEPARTMENT OF STATE, }
Austin, November 16, 1849. }

To the Honorable JOHN A. GREER,
President of the Senate:

Sir, In reply to a resolution of your Honorable Body of the 14th instant, requesting the Secretary of State "to furnish the Senate such information as may be in his possession in relation to suits instituted by the State against the contractors of the colonies of Peters and his associates and of Charles Fenton Mercer and his associates," &c., &c., I herewith transmit a letter from Josiah F. Crosby, Esq., District Attorney of the Third Judicial District, accompanied by a transcript of the proceedings in the case of the Governor vs. Charles Fenton Mercer and his associates, in the District Court for Navarro county. This document, together with the report of the Attorney General already commu-

nicated to the Senate, embraces all the information in my possession concerning the said suits.

As the papers enclosed are originals, I beg the favor of the Senate to order their return to this office after they shall have done with them.

I have the honor to be,

Very respectfully,

Your obedient serv't,

W. D. MILLER,

Secretary of State.

Joint resolution, relative to the amendment of the constitution, together with the report of the Judiciary committee thereon, was read, and resolution ordered to be engrossed, by the following vote :

Yeas—Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Hart, Latimer, McRae, Moffett, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace—20. Nays—none.

A bill to authorize and empower all State, District and County officers to perform the duties of their respective offices until their successors shall be elected and qualified, according to law, together with the report of the committee on the Judiciary offering an amendment thereto, was read ; report adopted, and bill ordered to be engrossed.

Report of the committee on the Judiciary, on a bill to provide for the payment of jurors, read, and,

On motion of Mr. Gage, report and bill laid upon the table for one day.

A bill to provide an appropriation for the payment of the mileage and per diem pay of members of the Legislature of the State of Texas ; read first time.

A bill to amend the 9th section of an act authorizing and requiring the county courts to regulate roads, appoint overseers, &c. ; read second time, and,

On motion of Mr. Gage, referred to the committee on Roads, Bridges and Ferries.

A bill to repeal the 3d section of an act regulating the license and practice of attorneys, approved May 12th, 1846 ; read second time, and,

On motion of Mr. Wallace, referred to the committee on the Judiciary.

A bill to define the time at which the acts of the Legislature

shall take effect; read second time, and on motion of Mr. Wallace, referred to the committee on the Judiciary.

A bill to provide for ceding to the United States jurisdiction of certain land, in this State, for public purposes; read second time, and,

On motion of Mr. Pease, referred to the committee on the Judiciary.

A bill to amend an act to establish and incorporate the Rutgersville College, approved February 5th, 1840; read, and,

On motion of Mr. Gage, laid on the table until to-morrow.

On motion of Mr. Cooke the Senate adjourned.

SATURDAY, 9 o'clock, A. M., November 17, 1849.

The Senate was called to order by the President. Senators present: Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Hart, Latimer, McRae, Moffett, Pease, Phillips, Portis, Taylor, Truit, Van Derlip, Ward, Walker and Wallace; quorum present. The journal of the preceding day was read and adopted.

Mr. Latimer presented the petition of L. S. Sargent; which was, on motion of Mr. Latimer, referred to the committee on Private Land Claims, without reading.

Mr. Phillips, chairman of the committee on the Judiciary, reported a substitute for the bill referred to them, designed to regulate motions for costs in civil cases, and recommended its adoption.

Mr. Phillips, from the same committee, to whom was referred a bill to repeal the third section of an act to regulate the license and practice of attorneys, approved 12th May, 1846, reported on the same, and recommended the repeal proposed by the bill.

Mr. McRae, from the committee on Contingent Expenses, to whom was referred the account of Thomas Ward for repairs done on the Capitol, &c., reported a resolution for the payment of the same.

Mr. Moffett, from the committee on Engrossed Bills, reported the following bills correctly engrossed: A bill for the relief of John Jackson of Dallas county, and a bill to locate the seat of justice of Dallas county.